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The situation in the Middle East

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Report of the Secretary-General

Summary

The present report contains replies received from Member States in response to the note verbale dated 17 May 2012 from the Secretary-General concerning the implementation of the relevant provisions of General Assembly resolutions 66/18, entitled "Jerusalem", and 66/19, entitled "The Syrian Golan".

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolutions 66/18 and 66/19. In its resolution 66/18, the Assembly stressed that a comprehensive, just and lasting solution to the question of the City of Jerusalem should take into account the legitimate concerns of both the Palestinian and Israeli sides and should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the holy places by the people of all religions and nationalities. In its resolution 66/19, which deals with Israeli policies in the Syrian territory occupied by Israel since 1967, the Assembly demanded once more that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of the relevant Security Council resolutions.

2. On 17 May, in order to fulfil my reporting responsibility under resolutions 66/18 and 66/19, I addressed notes verbales to the Permanent Representative of Israel and the permanent representatives of other States Members of the United Nations, requesting them to inform me of any steps their Governments had taken or envisaged taking concerning the implementation of the relevant provisions of those resolutions. As at 31 August 2012, five replies had been received from Burkina Faso, Cuba, Mexico, Qatar and the Syrian Arab Republic. Those replies are reproduced in section II of the present report.

II. Replies received from Member States

Burkina Faso

[Original: French]

The situation in the Middle East has long been marked by the Israeli-Palestinian crisis and the consequent detrimental effects on displaced peoples. Burkina Faso, like the rest of the international community, has always followed the evolution of the situation with particular attention and called for a peaceful, negotiated settlement of the conflict. Based on that belief, it has always supported all United Nations resolutions calling upon the warring parties to negotiate to find appropriate solutions to build a lasting and comprehensive peace in the region — a sustainable peace that guarantees the freedom and self-determination of the Palestinian people without compromising the security of the State of Israel.

Accordingly, Burkina Faso distances itself from any unilateral action in the region through its unfailing support for General Assembly resolutions 66/18 and 66/19, including on the status of the Holy City of Jerusalem.

Cuba

[Original: Spanish]

Cuba fully supports General Assembly resolution 66/18, entitled "Jerusalem", and calls upon all States Members of the United Nations to implement it promptly and rigorously.

Cuba reaffirms its support for and solidarity with the Palestinian people, which for 45 years has suffered under the brutal military occupation of its lands and has had its fundamental human rights denied, including the right to self-determination and freedom.

The critical security, political, economic, social and humanitarian conditions in the occupied Palestinian territory, including East Jerusalem, caused by the continuing Israeli military occupation and the illegal actions and provocations against the Palestinian people and its lands are unacceptable and of deep concern.

Cuba reiterates its strong condemnation of Israel's continued military occupation of the Palestinian territory; Israel's illegal colonization policies and practices in the occupied Palestinian territory, including East Jerusalem; human rights violations; Israel's collective punishment of the Palestinian people by numerous illegal means and measures; and systematic war crimes that are causing the Palestinian people immense suffering.

The construction of settlements in the occupied Palestinian territory, in and around East Jerusalem, is a flagrant violation of international law carried out in open defiance of United Nations resolutions and the advisory opinion issued by the International Court of Justice on 9 July 2004.

Cuba expresses its deep concern at the situation in occupied East Jerusalem, where the Israeli colonization campaign is most intense, aimed at illegally altering the city's demographic composition, character and legal status.

We demand an immediate end to the construction and expansion of settlements and of the wall and to the transfer of more settlers, home demolitions, the intensification of land confiscations, evictions and excavations around the city, the displacement of the Palestinian civilian population, arbitrary and racist residency requirements, restrictions on movement by means of a permit regime and hundreds of checkpoints, the closure of Palestinian institutions, the revocation of Palestinian residency rights, including military deportation orders, settler violence and all other measures aimed at ridding the city of its Palestinian inhabitants and bringing about the illegal annexation of East Jerusalem by Israel.

Cuba reaffirms that all Israeli measures aimed at altering the legal, geographic and demographic character and status of Jerusalem and of the occupied Palestinian territory are null and void and have no legal validity whatsoever.

We stress the need to provide political, economic and humanitarian support to assist the Palestinian people in achieving its legitimate national aspirations, including the inalienable right to self-determination and freedom in its own independent State of Palestine, with East Jerusalem as its capital.

Cuba fully supports General Assembly resolution 66/19, concerning the occupied Syrian Golan, and calls upon all States Members of the United Nations to implement it promptly and rigorously.

Cuba reaffirms the fundamental principle of the inadmissibility of the acquisition of territory by force, in accordance with international law and the Charter of the United Nations, as well as the full applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Syrian Golan.

It is unacceptable and of deep concern that the Syrian Golan, which has been occupied since 1967, remains under Israeli military occupation. Israel must withdraw immediately from all parts of the occupied Syrian Golan to the line of 4 June 1967 in implementation of Security Council resolutions 242 (1967) and 338 (1973).

The 120 members of the Movement of Non-Aligned Countries have expressed their solidarity with and unconditional support for the rights and the just demand of the Syrian Arab Republic to regain its full sovereignty over the occupied Syrian Golan on the basis of the Arab Peace Initiative, the Madrid peace process, the formula of land for peace and the relevant Security Council resolutions.

The continued occupation of the Syrian Golan and its de facto annexation constitute a stumbling block in the way of achieving a just, comprehensive and lasting peace in the region.

Cuba considers that all legislative and administrative measures and actions taken or to be taken by Israel that purport to alter the legal status, physical character and demographic composition of the occupied Syrian Golan and its institutional structure, as well as Israeli measures to apply its jurisdiction and administration there, are null and void and have no legal effect.

In that connection, Cuba considers that the Israeli decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and has no validity whatsoever. Israel must immediately rescind that decision.

All of these measures and actions, including the illegal construction and expansion of Israeli settlements in the Syrian Golan, occupied since 1967, constitute a flagrant violation of international law, international conventions and the Charter and resolutions of the United Nations, in particular Security Council resolution 497 (1981) and the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.

Cuba strongly condemns the brutal Israeli practices in the prisons established during the occupation and reiterates its deep concern at the inhuman conditions of the Syrian detainees in the occupied Syrian Golan, which have led to the deterioration of their physical health and put their lives at risk, in blatant violation of international humanitarian law.

Cuba demands that Israel comply immediately and unconditionally with the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and apply them to the situation of the Syrian detainees in the occupied Syrian Golan.

Mexico

[Original: Spanish]

Mexico believes that the Israeli policy of expanding settlements, demolishing homes and constructing a security wall in East Jerusalem is in violation of the relevant United Nations resolutions and of international law. Furthermore, Mexico has joined the international community's condemnation of the evictions of the Palestinian population and the demolition of Palestinian homes in East Jerusalem.

Mexico believes that the occupation and colonization policies in the Syrian Golan are contrary to international law and constitute a stumbling block in the way of achieving a just and comprehensive peace in the Middle East.

Qatar

[Original: English]

The State of Qatar has been taking action to implement the two resolutions, as well as other resolutions on the situation in the Middle East, and has confirmed in all its political actions and practical positions at regional and international forums that a just and comprehensive peace is the strategic option and that the peace process cannot be fragmented and can only be achieved by full Israeli withdrawal from Palestinian and other Arab territory, as well as from the territory still occupied in southern Lebanon. Consistent with the active role played by the State of Qatar in that context, it chairs the Arab Peace Initiative Committee, which seeks to achieve the requirements of peace and lay the foundations of security and stability in the region.

The State of Qatar reaffirms the Arab identity of Jerusalem and rejects all illegitimate and illegal Israeli actions aimed at the Judaization of the Holy City, its annexation or the displacement of its population. Qatar also condemns land confiscation, the building of settlements, Israel's systematic and repeated attempts at aggression against the Al-Aqsa Mosque and the excavation work underneath and surrounding it that threatens to collapse it.

The State of Qatar convened the International Conference for the Defense of Jerusalem on 26 and 27 February 2012, where His Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar, presented an initiative to call for a Security Council resolution to establish an international commission to investigate all the actions taken by Israel since 1967 in Arab Jerusalem aiming to erase its Islamic and Christian Arab features.

The State of Qatar has announced its support for Syria's request and its right to restore the entire occupied Syrian Arab Golan to the line of 4 June 1967 based on the foundations of the peace process and international resolutions. Qatar has reaffirmed its rejection of all actions taken by Israel aimed at changing the legal, natural and geographical status of the occupied Syrian Arab Golan, as well as its condemnation of Israeli practices and procedures aimed at seizing land and water resources, which constitute a continuing threat to international peace and security in the region and the world.

Syrian Arab Republic

[Original: Arabic]

Since the Israeli occupation of the Syrian Golan in 1967, the international community has consistently maintained its forceful rejection of that occupation, demanding that occupying Israeli forces should be withdrawn from all of the Syrian Golan. The General Assembly, in its resolution 66/19, expressed deep concern at the failure of Israel to withdraw from the occupied Syrian Golan and comply with the relevant Security Council and General Assembly resolutions. The resolution also

declared that the Israeli decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and had no validity whatsoever, as confirmed by the Security Council in its resolution 497 (1981), and called upon Israel to rescind the decision.

After 45 years of that despotic occupation, notwithstanding internationally recognized resolutions, the demands for the occupation to end that have been made at international gatherings by most countries of the world and condemnation of the daily Israeli tyrannical practices and blatant violations of all international conventions and norms, Israel remains indifferent to all those demands and international resolutions. There are no obstacles before its expansionist ambitions and no limits to its impunity and disregard for international law.

The Syrian Arab Republic has affirmed its intense desire to continue to work and cooperate with the United Nations with a view to ending the occupation, through the implementation of the relevant resolutions on ending the Israeli occupation of the Syrian Golan and other Arab territories. On the basis of that understanding, the Syrian Arab Republic states in no uncertain terms that United Nations resolutions continue to serve as the basic terms of reference for the just and comprehensive resolution of the problems in the Middle East. Given that fixed principle of Syrian policy, President Bashar al-Assad has declared on more than one occasion that the Syrian Arab Republic is willing to resume peace negotiations on the same basis on which the Madrid peace process was started in 1991. The Syrian Arab Republic has declared in all international forums its full commitment to the relevant international resolutions and has called for their implementation, in particular Security Council resolutions 242 (1967), 338 (1973) and 497 (1981). The Syrian Arab Republic has also called for implementation of the principle of land for peace, in order to ensure full withdrawal by Israel from all of the occupied Syrian Golan to the line of 4 June 1967.

The Syrian Arab Republic strongly condemns the continued denial by Israel of Arab and Syrian rights as enshrined in the Charter of the United Nations. In particular, in June 2011, the Israeli Government decided to build a racist separation wall east of Majdal Shams in the occupied Syrian Golan, allegedly in order to prevent Palestinians and Syrians from crossing the ceasefire line and reaching occupied Majdal Shams. The Israeli Corps of Engineers in fact began constructing the wall at the beginning of July 2011, and an agreement was reached with Israeli contractors to build a wall eight metres high and four kilometres long. We also note in this regard that on 5 June 2011, the forty-fourth anniversary of the 1967 Naksa, the Israeli occupation forces perpetrated an abhorrent massacre, firing live ammunition at peaceful unarmed Syrian and Palestinian demonstrators on the Syrian side of the ceasefire line in the occupied Syrian Golan, resulting in 23 dead and 350 injured. On 15 May 2011, the occupation forces committed a similar crime near the ceasefire line in the occupied Syrian Golan during a commemoration of the 1948 Nakba, firing live ammunition to disperse peaceful demonstrators, resulting in 15 dead and dozens injured. Such incidents demonstrate that there are those who want Israel to remain the single exception to application of the provisions of international law and to benefit from impunity in all situations.

The Government of the Syrian Arab Republic denounces the decisions made by the Israeli Government to intensify settlement in the occupied Syrian Golan, of which the most recent example was the settlement campaign conducted by the so-

called Golan Regional Council during December 2010 under the slogan "Come to the Golan", which induced thousands of Israeli families to settle in the Golan. The Government of the Syrian Arab Republic also condemns the so-called Golan Regional Council's decision to build a new tourist settlement village near the Israeli settlement of Ani'am. It also condemns the cooperation between the Regional Council and the management of the extremist religious settlement of Yonatan, which aims to attract thousands of settlers to the occupied Syrian Golan, and the Israeli tourism companies' focus on building settlements in the guise of "tourist villages" in the Batihah region in the far south of the occupied Golan and, in particular, in the region known as Tall al-Sayyadin on the eastern shore of Lake Tiberias. The Government of the Syrian Arab Republic condemns the tourist excursions to those villages that are organized by international Jewish organizations, and the infrastructure development and settlement expansion by the occupation authorities in the settlements of, inter alia, Eliad, Ein Zivan, Natur, Khasfin, Hadnes and Nof. Such Israeli actions make it clear that the true intention of Israel is to reject peace, paying no heed to Security Council or General Assembly resolutions, the most recent of which are Assembly resolutions 66/19 of 30 November 2011 and 66/80 of 9 December 2011, in which the Assembly called upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements.

The Government of the Syrian Arab Republic condemns all Israeli practices and actions with regard to the occupied Syrian Golan, which are a flagrant violation of Security Council resolution 497 (1981) and General Assembly resolution 66/225 of 22 December 2011, entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources". The Syrian Arab Republic calls upon States Members of the United Nations to refuse to import natural products taken from the occupied territories or produced there, in order to comply with international law and emphasize the need for Israel to respect that law. The Syrian Arab Republic condemns the Israeli occupation authorities' refusal, in late March 2012, to allow Syrian Arab farmers to transport their apple harvest to Syria, a decision that clearly ignores the agreement reached with the International Committee of the Red Cross (ICRC). That arbitrary measure caused significant material damages to Syrian farmers. Large quantities of produce spoiled in trucks that were kept waiting for three weeks. The farmers were unable to find an alternative market for the harvest, the main agricultural produce for farmers in the occupied Syrian Golan. Syria calls upon the Secretary-General to ensure that Israel complies with its agreement with ICRC and does not unjustifiably withhold permission again.

The Syrian Arab Republic condemns the Israeli occupying authorities for extracting water from Mas'adah Lake in the occupied Syrian Golan and diverting it to settlement farms in December 2010. As a result of that Israeli measure, which contravenes international law and the Fourth Geneva Convention, Syrian citizens in the Golan have sustained material losses that are estimated at some $20 million, owing to dwindling fish stocks, poor apple yields in the farms irrigated by lake waters and the desiccation of trees in the orchards. In our annual reports on Israeli practices in the Golan, we have referred before to the policies of the Israeli occupying authorities, which are deliberately designed to control the waters of the

Golan and deny Syrian citizens their natural rights over their own water. This latest Israeli measure, namely, the extraction of the waters of Mas'adah Lake, constitutes an economic and environmental catastrophe of enormous proportions for Syrian citizens in the occupied Syrian Golan.

Israel's actions are, indeed, a violation of Security Council resolution 465 (1980), in which the Council took into account the need to consider measures for the impartial protection of private and public land and property, and water resources. Israeli actions are, furthermore, a violation of paragraph 5 of that resolution, by which the Council determined that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Arab territories occupied since 1967 have no legal validity. In its resolution 497 (1981) the Security Council confirmed that those measures were null and void and without international legal effect.

The Syrian Arab Republic, in accordance with international law and United Nations resolutions, demands that the General Assembly and the international community assume their responsibility to prevent Israel from persisting in its sustained violations, particularly the plundering of the natural resources of occupied Arab territories, including water in the occupied Syrian Golan.

The Syrian Arab Republic rejects the Israeli Knesset decision of 22 November 2010 to hold a referendum on withdrawal from the occupied Syrian Golan and East Jerusalem, requiring the support of more than 80 per cent of Israelis for such withdrawal. That decision violates and shows contempt for international law, which stipulates that territory may not be acquired by force. It is also incompatible with Security Council resolution 497 (1981).

The Government of the Syrian Arab Republic reaffirms the request it has made to the Secretary-General, the President of the General Assembly, the United Nations High Commissioner for Human Rights, the President of the Human Rights Council and the President of ICRC to bring pressure to bear on Israel to ensure that the Syrian prisoners detained in its jails are kept in more humane health conditions. It expresses its rejection of the sham trials of those prisoners, such as the trial of Majid al-Sha'ir before the Israeli District Court in Nazareth on 14 July 2010. Mr. al-Sha'ir was sentenced to five and a half years in prison and his son, Fida al-Sha'ir, was sentenced to three years in prison, on the charge of passing information to the Syrian motherland. The Government of the Syrian Arab Republic denounces the Israeli occupation forces' abduction on 16 April 2012 of the Syrian child Muhammad Khalid Ahmad, who was minding sheep on the Syrian side of the ceasefire line.

The Government of the Syrian Arab Republic also emphasizes its request to the above-mentioned international parties to bring pressure to bear on Israel to rescind its decision preventing citizens in the occupied Syrian Golan from visiting their homeland, Syria, through the Qunaitra crossing. On 27 March 2012, it prevented a delegation of religious dignitaries from the Syrian Arab Golan from crossing to the motherland for the burial of Ahmad al-Hijri in the Syrian city of Suwaida. Those arbitrary Israeli practices inflict material, mental and physical suffering on Syrian citizens, and contravene the Geneva Conventions and all international humanitarian instruments and norms. The Government stresses that Israeli practices in the occupied Syrian Golan exceed all legal and moral bounds, the most recent example being the imposition by the Israeli occupation authorities of

two years' house arrest on a two-year-old child, Fahid Lu'ay Shuqeir, on the pretext that he was born outside Israel when his parents were studying in Syria.

The Government of the Syrian Arab Republic emphasizes the need to take measures to ensure the implementation of relevant international resolutions without bias or selectivity, and to invoke the Geneva Conventions in order to bring pressure to bear on Israel, the occupying Power, to comply with the wishes of the international community in order to achieve a just and comprehensive peace in the Middle East.

Similarly, the Syrian Arab Republic emphasizes its support for General Assembly resolution 66/18, entitled "Jerusalem", and calls upon the international community to bring pressure to bear on Israel to end its occupation of the Arab territories that it has occupied since 1967, including Jerusalem, and to comply with Security Council resolution 478 (1980), in which the Council decided not to recognize the "basic law" regarding Jerusalem that was enacted by Israel, and affirmed that the Israeli decision to impose its laws, jurisdiction and administration on the city of Jerusalem was illegitimate and therefore null and void and without any validity whatsoever. Israel, the occupying Power, has persisted in its illegal settlement activities, which are intended to change the legal status and historical, spiritual and human characteristics of the holy city. It has continued to destroy Palestinian homes and build the separation wall in and around East Jerusalem with the goal of isolating the city from its Palestinian environment. In so doing, it has continued to defy the advisory opinion rendered on 9 July 2004 by the International Court of Justice. The Government of the Syrian Arab Republic stresses that those actions all demonstrate that the goal of Israeli policy is to create a reality that would make the establishment of a viable Palestinian state impossible, undermining any possibility of a peaceful solution and prolonging the tension and conflict in the region. Syria stresses that the question of Jerusalem is fundamental and decisive for the realization of peace in the Middle East. Israel must comply, or be prevailed upon to comply, with the United Nations resolutions that emphasize the need to protect the particular legal status of Jerusalem as an occupied territory. Those resolutions state that any measures to alter the identity or situation of Jerusalem are invalid.